BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

LONGINO D. FALCON	}
Claimant VS.	Docket No. 106 150
ERNEST-SPENCER, INC.	Docket No. 196,150
Respondent AND	
UNITED STATES FIDELITY & GUARANTY CO. Insurance Carrier	}

ORDER

Administrative Law Judge George R. Robertson entered a Preliminary Hearing Order on February 14, 1995, that denied claimant's request for medical treatment. From that Order, the claimant requests review by the Appeals Board.

ISSUES

Claimant's request for continuing medical treatment with Jeffrey E. Brozek, M.D., for anticoagulation therapy was denied by the Administrative Law Judge. Claimant appealed based on the sole issue as to whether the need for the requested medical treatment has a causal connection with the claimant's accidental injury which arose out of and in the course of his employment with the respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the briefs of the parties, the Appeals Board finds, for preliminary hearing purposes, as follows:

The Appeals Board has jurisdiction to review this preliminary hearing order as the issue of whether or not the claimant met with accidental injury arising out of and in the course of his employment is enumerated in K.S.A. 44-534a(a)(2) as jurisdictional and subject to Appeals Board review.

The respondent agrees that the claimant, on April 15, 1993, while working for the respondent, was injured when an auger fell on his chest and arm. This occurred in Oklahoma and he was subsequently treated for this injury in a hospital in Oklahoma. As part of his treatment, an intravenous line was placed in the claimant's left arm. The next day the intravenous line caused his left arm to become infected and he developed a thrombosis (a blood clot) in the major vein that drains his left arm. The infection was treated by antibiotics and the blood clot was treated by anticoagulation therapy. That therapy has since been recommended continued for life.

Claimant's preliminary hearing request is for the respondent to continue providing for the lifelong anticoagulation therapy. The Administrative Law Judge, however, denied claimant's request finding that claimant's work-related accident is not the reason for the need for the lifelong anticoagulation therapy.

After a review of the preliminary hearing record, the Appeals Board agrees with the decision of the Administrative Law Judge that claimant's present need for further medical treatment is not work related. A medical report from James E. Davia, M.D., a board-certified cardiologist who reviewed the claimant's medical records and examined the claimant at the respondent's request, was entered into the record. He opined that the claimant has an inherent biochemistry deficiency and the claimant's need for the lifelong anticoagulation therapy is related to this deficiency and not to his work-related injury.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge George R. Robertson, dated February 14, 1995, is affirmed and remains in full force and effect.

IT IS SO ORDERED.
Dated this day of April, 1995.
BOARD MEMBER
BOARD MEMBER
BOARD MEMBER

c: Robert A. Anderson, Ellinwood, KS Richard Friedeman, Great Bend, KS George R. Robertson, Administrative Law Judge George Gomez, Director